

I, too, am concerned that all major armaments proposals are subjected to analysis in all their implications prior to making my recommendations to the Congress for their authorization or appropriation. Such analyses must be from all points of view---political, military, economic. The implications for arms control and disarmament policy and negotiations are important ingredients in my final decisions and recommendations. I am willing to strengthen our executive branch methods for assuring adequate analyses of all these factors.

I, too, am concerned that the Congress and its Committees are properly informed. Congress has a central role in providing for our national defense and assuring a sound foreign policy. You already have the conventional means for timely and continuous access to information for proposals relating to armaments and to arms control policy and negotiations. I am willing, within the bounds of the proper separation of powers between the branches, to assist in providing additional information for a better understanding of those proposals.

As we jointly meet these concerns, we must do so with a due respect for our separate authorities and responsibilities under the constitution.

In return, S. 1517, I urge that a new measure be enacted during this session of the Congress that incorporates the necessary matters from other parts of the bill, especially the authorization of appropriations for the Department of State. In regard to the Arms Control and Disarmament Agency, I recommend that the new measure provide for the authorization of appropria-

tions along the lines of section 141 of S. 1517 and for the amended security requirements for the Agency's consultants and contractors along the lines of section 147. These are the matters proposed in my letters of February 18, 1975, to the President of the Senate and the Speaker of the House of Representatives.

As to other matters dealt with in Part 2 - Arms Control and Disarmament Agency -- of S. 1517, I am taking the following actions:

Spence > I have today directed the preparation of a new Executive Order on the Coordination of Arms Control and Disarmament Policy and Related matters, as provided by section 35 of the Arms Control and Disarmament Act of 1962. This order will completely update and replace Executive Order No. 11044 of August 20, 1962. It will be designed to strengthen the role and voice of the Arms Control and Disarmament Agency and its Director in the policy formulation processes of the government and to assure the exchange of necessary information.

- The ~~order~~ will provide for procedures to keep the Director informed on a continuing basis, with full and timely access to detailed information regarding ^{major} United States armaments programs and proposals, nuclear and nonnuclear.
- It will provide that he shall have full opportunity to make recommendations on arms control and disarmament implications for policy and negotiations to the President, the Secretary of State, the Secretary of Defense, the Administrator of the Energy Research and Development Administration, and the National Security Council early in the cycle of decision-making on authorizations and

appropriations.

- It will place in writing what has been the fact; namely, that the Director is "the principal adviser to the National Security Council on matters relating to arms control and disarmament" and that he shall attend all meetings and otherwise participate when matters of arms control and disarmament are considered. This arrangement is specifically anticipated by the flexible appointing provisions of the National Security Act.
- The Executive Order will direct that all agencies proposing armaments programs discuss in their appropriate presentations to the Congress the arms control and disarmament implications of the proposals.
- Finally, it will direct that, when the Director prepares the President's annual report to the Congress required by section 50 of the Arms Control and Disarmament Act, he shall include a "complete and analytical statement of arms control and disarmament goals, negotiations, and activities and an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect." The annual report will thus contain a comprehensive "posture statement" on arms control and disarmament.

A review of United States policy on arms transfer for foreign nations is currently underway by the involved executive agencies. This is a complex policy and administrative matter affecting a number of agencies and involving the licensing of the export of Munitions, the administration of the Foreign Military Sales Act, and policies and practices under the Foreign Assistance Act. I have today directed the Assistant to the President for National Security Affairs to assure that as a part of that policy review there shall be a thorough examination of the process of consultation among the several agencies regarding arms transfers to other countries, a matter dealt with in section 150 of S. 1517. The adequacy of the role of the Arms Control and Disarmament Agency in the consultation mechanism will be specifically evaluated.

I have also today directed the Director of the Arms Control and Disarmament Agency to undertake two specific studies in general consonance with the intent of sections 142 and 143 of S. 1517. The first relates to the impact upon military expenditures of the arms control measures mutually agreed to by the United States and the Soviet Union. The second is research, in consultation with the International Atomic Energy Agency, with respect to the development of nuclear safeguard techniques. The Director will keep the Congress informed regarding the progress of these projects and will provide the conclusions to the Congress. [I have directed that a 1976 supplemental appropriation request be prepared to finance the first of these studies.]

With these actions and with your prompt enactment of a substitute measure for the other provisions of S. 1517, we will have significantly strengthened our arrangements for the administration of arms control and disarmament policy and negotiations, and we shall have done so in a manner that preserves the proper separation of powers of ^{our} ~~ones~~ two branches and ^{that} ~~assures~~ the integrity of the national security. We shall be closer to the purposes set forth in the Arms Control and Disarmament Act which states that:

"An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully."

Sec. 146, Title III of the Arms Control and Disarmament Act (22 U.S.C. 2571-2575) is amended by adding at the end thereof the following:

"ARMS CONTROL IMPACT INFORMATION AND ANALYSIS

"Sec. 36. (a) In order to assist the Director in the performance of his duties with respect to arms control and disarmament policy and negotiations, any Government agency preparing any legislative or budgetary proposal for—

"(1) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to nuclear armaments, nuclear implements of war, military facilities or military vehicles designed or intended primarily for the delivery of nuclear weapons,

"(2) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to armaments, ammunition, implements of war, or military facilities, having—

"(A) an estimated total program cost in excess of \$250,000,000, or

"(B) an estimated annual program cost in excess of \$50,000,000, or

"(3) any other program involving weapons systems or technology which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations,

shall, on a continuing basis, provide the Director with full and timely access to detailed information, in accordance with the procedures

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established pursuant to section 35 of this Act, with respect to the nature, scope, and purpose of such proposal.

“(b) (1) The Director, as he deems appropriate, shall assess and analyze each program described in subsection (a) with respect to its impact on arms control and disarmament policy and negotiations, and shall advise and make recommendations, on the basis of such assessment and analysis, to the National Security Council, the Office of Management and Budget, and the Government agency proposing such program.

“(2) Any request to the Congress for authorization or appropriations for—

“(A) any program described in subsection (a) (1) or (2), or

“(B) any program described in subsection (a) (3) and found by the National Security Council, on the basis of the advice and recommendations received from the Director, to have a significant impact on arms control and disarmament policy or negotiations, shall include a complete statement analyzing the impact of such program on arms control and disarmament policy and negotiations.

“(3) Upon the request of the Committee on Armed Services of the Senate or the House of Representatives, the Committee on Appropriations of the Senate or the House of Representatives, the Committee on Foreign Relations of the Senate, or the Committee on International Relations of the House of Representatives or the Joint Committee on Atomic Energy, the Director shall, after informing the Secretary of State, advise such committee on the arms control and disarmament implications of any program with respect to which a statement has been submitted to the Congress pursuant to paragraph (2).

“(c) No court shall have any jurisdiction under any law to compel the performance of any requirement of this section or to review the adequacy of the performance of any such requirement on the part of any Government agency (including the Agency and the Director).”.